

## **Press Release**

Global online marketing company facing copyright complaint from Filipino artist

*By Phillip Somoza*

New York-based Bienvenido Bones Banez, Jr., is a Filipino surrealist painter whose bio-data and photos of artworks were published along with Salvador Dali and Ernst Fuchs in the Lexicon Surreal, an encyclopedia of Surrealism authored by Professor Gerard Habarta and published in Austria.

Three paintings of Banez were purchased by the late Professor Robert Wickenheiser to make them part of one of the world's biggest John Milton collection in the University of South Carolina Library, USA.

From 2017 to 2022, a global online company printed a picture of Banez's major canvas as marketing design for a diverse line of products without permission from the artist. Zazzle, California-based, is now facing a complaint of copyright infringement from Banez.

In a letter emailed to Zazzle, lawyer Peter Dizozza states:

"Please be advised that I represent Bienvenido Bones Banez (Jr.) regarding his infringement claim arising from your use of his painting on your paneling product. The image was designed and painted by Mr. Banez. While he has shared this work, it was never a work for hire. He has always shared it as his work product, with his name upon it. He has never relinquished his ownership, in this his own creation. To have obtained the image with the removal of information that identified as his was a further violation of his rights."

Zazzle replied that the company enters into agreement with what it calls as "Creators". The users agreement, states Zazzle, explicitly represents the Creator's warranty that any image he uploads for merchandizing through the Zazzle website is his own.

Timothy (no family name provided) of the Zazzle Content Management Team gave the name Malleret Romuald, in France, as the Creator who submitted Banez's artwork image. Timothy also cited the Creator has been informed of Banez's infringement claim and that the product line in question has been pulled out of Zazzle marketplace.

In an interview, Banez said he emailed the concerned Creator but received no reply.

Considering that the claimed infringement lasted from 2017 to 2022, for a total of five years, Dizozza demands from Zazzle its sales record for the aforementioned period.

Interestingly, Banez's violated painting is titled "Satan Inspiring the World"—his hermeneutical visual interpretation of the Book of Genesis.